

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

SHANISSE JORDAN

Plaintiff(s),

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, and RICHARD URBINA and KIZZY L. SMITH

Defendant(s).

**VERIFIED
COMPLAINT**

Index No:

S I R S :

Plaintiff(s), by his/her/their attorneys KRAVET, HOEFER & MAHER, P.C., allege(s) the following upon information and belief:

**As and for a First Cause of Action on Behalf of
Plaintiff Shanisse Jordan**

1. At all times hereinafter mentioned, Shanisse Jordan was and still is a resident of the County of Bronx, State of NY.
2. At all times hereinafter mentioned, Defendant City of New York was and still is a municipal corporation duly organized and existing pursuant to General Municipal Law and the laws of the State of New York.
3. At all times hereinafter mentioned, Defendant the City of New York, has established and maintains a police department which is an agency of the defendant, New York Police Department.
4. At all times hereinafter mentioned the City of New York operates and controls the New York Police Department.
5. At all times relevant, defendants the City of New York employed the individual defendant Richard Urbina as a Police Officer.
6. At all times relevant, defendant Richard Urbina was an agent of the CITY OF NEW YORK.
7. At all times hereinafter mentioned, Defendant Richard Urbina was and still is a resident of County of Queens, City and State of New York.
8. At all times hereinafter mentioned, defendant City of New York was the registered owner of a 2016 Ford bearing NY State Registration Number 5462.
9. At all times hereinafter mentioned, defendant City of New York was the titled owner of a 2016 Ford bearing NY State Registration Number 5462.

10. At all times hereinafter mentioned, defendant City of New York was the titled owner of a bearing Vehicle Identification (VIN) Number 1FM5K8AR9GGC50734.
11. At all times hereinafter mentioned, defendant City of New York was the lessee of a 2016 Ford bearing NY State Registration Number 5462.
12. At all times hereinafter mentioned, defendant City of New York was the lessor of a 2016 Ford bearing NY State Registration Number 5462.
13. At all times hereinafter mentioned, defendant City of New York was the exclusive lessee, for a period of more than thirty days, of a 2016 Ford bearing NY State Registration Number 5462.
14. At all times hereinafter mentioned, defendant Richard Urbina was an employee and/or agent of the defendant City of New York.
15. At all times hereinafter mentioned, defendant Richard Urbina was an employee and/or agent of the defendant New York Police Department.
16. At all times hereinafter mentioned, defendant Richard Urbina was the operator of a 2016 Ford bearing NY State Registration Number 5462.
17. At all times hereinafter mentioned, defendant Richard Urbina operated the 2016 Ford bearing NY State Registration Number 5462 with the knowledge, consent, and permission, express or implied, of the titled owner.
18. At all times hereinafter mentioned, defendant Richard Urbina operated 2016 Ford bearing NY State Registration Number 5462 with the knowledge, consent, and permission, express or implied, of the defendant City of New York.
19. At all times hereinafter mentioned, defendant Richard Urbina operated the 2016 Ford bearing NY State Registration Number 5462 with the knowledge, consent, and permission, express or implied, of the defendant New York City Police Department.
20. At all times hereinafter mentioned, defendant Richard Urbina operated the 2016 Ford bearing NY State Registration Number 5462 pursuant to his employment and/or agency and in furtherance of his employer's and/or principal's business.
21. At all times hereinafter mentioned, defendant Kizzy L. Smith was the titled owner of a 1999 Toyota bearing NJ State Registration Number E63HDV.
22. At all times hereinafter mentioned, defendant Kizzy L. Smith was the titled owner of a 1999 Toyota bearing Vehicle Identification (VIN) Number 2T1CF22P2XC113823.
23. At all times hereinafter mentioned, defendant Kizzy L. Smith was the lessee of a 1999 Toyota bearing NJ State Registration Number E63HDV.
24. At all times hereinafter mentioned, defendant Kizzy L. Smith was the lessor of a 1999 Toyota bearing NJ State Registration Number E63HDV. 2003 Ford bearing NY State Registration Number L43832.
25. At all times hereinafter mentioned, defendant Kizzy L. Smith was the exclusive lessee, for a period of more than thirty days, of a 1999 Toyota bearing NJ State Registration Number E63HDV.

26. At all times hereinafter mentioned, defendant Kizzy L. Smith was the registered owner of a 1999 Toyota bearing NJ State Registration Number E63HDV.
27. At all times hereinafter mentioned, defendant Kizzy L. Smith was the operator of a 1999 Toyota bearing NJ State Registration Number E63HDV.
28. At all times hereinafter mentioned, defendant Kizzy L. Smith operated the 1999 Toyota bearing NJ State Registration Number E63HDV with the knowledge, consent, and permission, express or implied, of the titled owner.
29. At all times hereinafter mentioned the aforementioned 1999 Toyota bearing NJ State Registration Number E63HDV was being operated with the knowledge, consent, and permission, express or implied, of the owner.
30. At all times hereinafter mentioned, plaintiff Shanisse Jordan was a lawful passenger in a 1999 Toyota bearing NJ State Registration Number E63HDV.
31. At all times hereinafter mentioned, Southern Boulevard at/near East Tremont Avenue, County of Bronx, State of New York, was/were and still is/are a public street(s) and roadway(s).
32. On or about 12/24/2016, the aforementioned vehicle owned by the defendant City of New York and/or New York City Police Department and operated by defendant Richard Urbina, and the aforementioned vehicle owned and operated by defendant Kizzy L. Smith came into contact with each other at the intersection of Southern Boulevard and East Tremont Avenue, County of Bronx, State of New York.
33. The aforesaid occurrence and resulting injuries were due solely to the carelessness, recklessness and negligence of the Defendants, without any fault or wrongdoing on the part of the Plaintiff(s) contributing thereto.
34. This cause of action falls within one or more of the exceptions enumerated in section 1602 of the C.P.L.R.
35. Plaintiff, Shanisse Jordan was injured.
36. Plaintiff, Shanisse Jordan has sustained a serious injury and economic loss greater than basic economic loss as defined by section 5102 of the Insurance Law of the State of New York.
37. Heretofore and on or about 3/2/2017, the Plaintiff presented in writing to the Defendants, the claim hereinafter set forth upon which this action is founded for adjustment, and more than thirty (30) days have elapsed since said presentation of such claim and the defendants have wholly neglected and refused to make any adjustment or payment thereof for more than thirty (30) days of presentation of such claim as aforesaid, this action was commenced within one (1) year and ninety (90) days from the date when it occurred all in accordance with the statutes and rules made and provided for.
38. By reason of the foregoing, Shanisse Jordan has been damaged in a substantial amount and that amount of damages exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff(s) has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction and plaintiff(s) demand(s) judgment against the Defendants for the aforementioned substantial amounts, with interest from 12/24/2016, as well as the costs, disbursements and legal fees of this action.

Dated: Bronx, New York
August 23, 2017


Yours, etc.
KRAVET, HOEFER & MAHER, P.C.
Attorneys for Plaintiffs
1135A Morris Park Avenue, Suite 202
Bronx, N.Y. 10461
(718) 931-3131

PLAINTIFF
VERIFICATIONSTATE OF NEW YORK
COUNTY OF BRONX }*Shanisse Jordan*

, being duly sworn, deposes and says that he/she is the Plaintiff in the within action; that he/she has read the foregoing summons and complaint/~~bill of particulars~~ and knows the contents thereof; that the same is true to his/her own knowledge, except as those matters therein stated to be alleged on information and belief; and that as to those matters he/she believed to be true.

Sworn to before me
8/23, 2017*Shanisse Jordan*
Shanisse Jordan

NOTARY PUBLIC

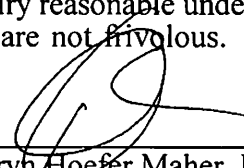

KATHRYN HOEFER
Notary Public, State of New York
No. 02HO5007398
Qualified in Nassau County
Commission Expires 01/25/2019

STATE OF NEW YORK, COUNTY OF BRONX ss.: I, the undersigned, an attorney admitted to practice in the courts of New York State,

[X] Rule 130 Attorney Certification

I hereby certify that I have read the foregoing papers attached hereto and certify, to the best of my knowledge information and belief formed after inquiry reasonable under the circumstances that the presentation of the papers and contentions therein are not frivolous. I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: August 23, 2017



Kathryn Hoefer Maher, Esq.

STATE OF NEW YORK, COUNTY OF BRONX ss.:

I, Kathryn Hoefer Maher, Esq., being sworn, say: I am not a party to the action, am over 18 years of age and reside in Nassau, NEW YORK

☒ SERVICE BY MAIL

by depositing a true copy thereof in a post-paid wrapper, in an official depository under the following persons at the last known address set forth after each name:

☐ PERSONAL SERVICE ON INDIVIDUAL

by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

To:

Index No:

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Summons and Verified Complaint

KRAVET, HOEFER & MAHER, P.C.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

1135A Morris Park Avenue, Suite 202

Bronx, N.Y. 10461

Telephone: 718-931-3131

Service of a copy of is hereby admitted.

Dated,

Attorney(s) for

NOTICE OF ENTRY

Sir: Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within court on

Dated:

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the one of the judges of the within named court, at
on Dated,

Yours, etc.

Kravet, Hoefer & Maher, P.C.

Attorneys for Plaintiff(s)

1135A Morris Park Avenue, Suite 202

Bronx, New York 10461

To:

Attorney(s) for Defendant(s) (see inside of blueback)